



General Assembly

January Session, 2007

Raised Bill No. 1309

LCO No. 4732

04732_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE STATE BOARD OF LANDSCAPE ARCHITECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-373 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 After notice and opportunity for hearing as provided in the
4 regulations adopted by the Commissioner of Consumer Protection, the
5 board may suspend [for a definite period, not to exceed one year,] or
6 [may] revoke any license or registration or may [officially censure any
7 person holding a license] issue a letter of reprimand, place a license or
8 registration on probationary status, with conditions, issue a civil
9 penalty of up to one thousand dollars, or any combination thereof, if it
10 is shown that the license was obtained through fraud or
11 misrepresentation; or if the holder of the license has been found guilty
12 by the board or by a court of competent jurisdiction of any fraud or
13 deceit in his professional practice; or if the holder of the license has
14 been found guilty by the board of [gross] negligence or [gross]
15 incompetency; or if the board has found that the licensee has violated
16 any provision of this chapter, or the regulations adopted pursuant to

17 this chapter. [The Secretary of the State shall be immediately notified
18 of such suspension or revocation.] Appeals from the decisions of the
19 board may be taken as provided in section 4-183. [, except such appeals
20 shall be made returnable to the judicial district of New Britain.] The
21 board may authorize the Department of Consumer Protection to
22 reissue any license which has been revoked or suspended, and [it] the
23 board may modify [the suspension of any license which has been
24 suspended] or discontinue any action taken pursuant to this section.

25 Sec. 2. Section 20-374 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 (a) [Every licensed landscape architect shall pay an annual license
28 fee to the department.] A holder of a valid landscape architect license
29 who is not engaging in the active practice of the holder's profession in
30 this state and does not desire to register may allow the license to lapse
31 by notifying the board of the holder's intention not to renew the
32 license. A holder of a valid landscape architect license who is retired
33 and not engaging in the active practice of landscape architecture may
34 be issued a retired landscape architect license. After a license has been
35 allowed to lapse or has been suspended, or after a retired landscape
36 architect license has been issued, it may be reinstated as an active
37 license upon payment of a reinstatement fee and such proof of the
38 landscape architect's qualifications as may be required in the sound
39 discretion of the board. [The department shall issue a receipt to each
40 landscape architect promptly upon the payment of the annual fee for a
41 license.]

42 (b) Every licensed landscape architect shall pay an annual license
43 fee to the department. The amount of fees prescribed by this chapter is
44 that fixed by the following schedule: (1) The application fee for
45 examination shall be a nonrefundable fee of forty dollars; (2) the fee for
46 an initial license shall be one hundred forty dollars; (3) the fee for a
47 duplicate license shall be five dollars; (4) the annual license fee shall be
48 the professional services fee for class E, as defined in section 33-182/;

49 (5) the annual retired landscape architect license fee shall be the
50 professional services fee for class A, as defined in section 33-182l; (6)
51 the reinstatement fee for a suspended license shall be two hundred
52 dollars; and [(6)] (7) the reinstatement fee for a lapsed or a retired
53 landscape architect license shall be ninety dollars.

54 [(b)] (c) The Commissioner of Consumer Protection shall adopt
55 regulations, in accordance with chapter 54, that require persons
56 licensed in accordance with the provisions of this chapter to fulfill a
57 continuing education requirement. Any such person applying to
58 renew his license shall submit to the board such proof of compliance
59 with such continuing education requirement as the commissioner may
60 require.

61 Sec. 3. (NEW) (*Effective from passage*) (a) The practice of or the offer
62 to practice landscape architecture in this state by individual licensed
63 landscape architects under the corporate form, or by a corporation or
64 limited liability company, a material part of the business of which
65 includes landscape architecture, is permitted provided: (1) Personnel
66 of such corporation or limited liability company who act on its behalf
67 as landscape architects are licensed or exempt from licensure under the
68 provisions of this section, and (2) such corporation or limited liability
69 company has been issued a certificate of registration by the State Board
70 of Landscape Architects pursuant to subsection (b) of this section.

71 (b) A corporation or limited liability company desiring a certificate
72 of registration required by subsection (a) of this section shall file with
73 said board an application upon a form prescribed by the Department
74 of Consumer Protection and accompanied by an application fee of five
75 hundred dollars. Each such certificate shall expire annually and shall
76 be renewable upon payment of a fee of three hundred fifty dollars. If
77 all requirements of chapter 396 of the general statutes are met, said
78 board shall authorize the issuance to such corporation or limited
79 liability company of a certificate of registration not later than thirty
80 days after such application, provided said board may refuse to

81 authorize the issuance of a certificate if any facts exist which would
82 entitle said board to suspend or revoke an existing certificate of
83 registration.

84 (c) Each such corporation or limited liability company shall file with
85 the board a designation of an individual or individuals licensed to
86 practice landscape architecture in this state. Such individuals shall be
87 responsible for and shall oversee landscape architecture by such
88 corporation or limited liability company in this state. Such corporation
89 or limited liability company shall notify the board of any change in
90 such designation not later than thirty days after such change becomes
91 effective.

92 (d) All final plans, drawings, specifications, reports or other
93 documents involving the practice of landscape architecture that are
94 prepared or approved by any such corporation or limited liability
95 company or landscape architect for use of or for delivery to any person
96 or for public record within this state shall be dated and bear the
97 signature and seal of the landscape architect who prepared them or
98 under whose supervision they were prepared.

99 (e) No corporation or limited liability company shall be relieved of
100 liability for the conduct or acts of its agents, employees or officers by
101 reason of its compliance with the provisions of this section, nor shall
102 any individual practicing landscape architecture be relieved of liability
103 for landscape architecture services performed by reason of such
104 individual's employment or relationship with such corporation or
105 limited liability company.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-373
Sec. 2	<i>from passage</i>	20-374
Sec. 3	<i>from passage</i>	New section

Section 1	<i>from passage</i>	20-373
Sec. 2	<i>from passage</i>	20-374
Sec. 3	<i>from passage</i>	New section

Statement of Purpose:

To grant authority to the State Board of Landscape Architects to assess civil penalties of up to one thousand dollars, to establish an inactive limited license for retired landscape architects and to require the registration of corporations and limited liability companies practicing landscape architecture.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]